

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Amorello for Congress) MUR 5050
 and Eunice Colleen Amorello, as treasurer)
)

CONCILIATION AGREEMENT

MUR 5050 was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe Amorello for Congress and Eunice Colleen Amorello, as treasurer ("Respondents") violated 2 U.S.C. § 441a(f).

NOW THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondents enter voluntarily into this agreement with the Commission.
- IV. The pertinent facts and violations of law in this matter are as follows:
 1. Amorello for Congress ("Committee") was the principal campaign committee of Matthew J. Amorello for his campaign for the Republican nomination for the United States House of Representatives (Massachusetts 3rd District) in the 1998 primary and general elections.
 2. Eunice Colleen Amorello is the treasurer for Amorello for Congress.
 3. A contribution is a gift, subscription, loan, advance, deposit of money, or anything of value made by a person for the purpose of influencing any election for federal office. 2 U.S.C.

23-04-406-0579

§ 431(8)(A); 11 C.F.R. § 100.7(a)(1). A person is prohibited from making contributions to any candidate and his or her authorized political committees with respect to any election for federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R.

§ 110.1(b)(1). If a contributor designates his contribution in writing for a particular election, "with respect to any election" means the "election so designated." 11 C.F.R. § 110.1(b)(2)(i). Further, if a contribution is not designated for a particular election by the contributor, "with respect to any election" means "the next election for that federal office after the contribution is made." 11 C.F.R. § 110.1(b)(2)(ii). Should a contribution designated for a particular election be made after such election, it may be accepted to the extent that the contribution does not exceed net debts owed; otherwise it must be refunded, redesignated, or reattributed within 60 days of receipt. 11 C.F.R. § 110.1(b)(3).

4. No candidate or political committee may knowingly accept any contribution that violates the contribution limitations. 2 U.S.C. § 441a(f); 11 C.F.R. § 110.9(a). Contributions which on their face exceed the contribution limitations and contributions which when aggregated exceed the contribution limits must be refunded within 60 days, redesignated, or reattributed. 11 C.F.R. § 103.3(b)(3).

5. The Commission's audit of the Committee pursuant to 2 U.S.C. § 438(b) revealed that the Committee accepted contributions totaling \$43,825 from 59 individuals in excess of the \$1,000 contribution limit for the primary election. 2 U.S.C. § 441a(a)(1)(A).

6. These contributions were not designated for general election use; nor were they redesignated, reattributed, or refunded within 60 days. 11 C.F.R. §§ 103.3(b)(3) and 110.1(b)(2).

7. The Committee acknowledged that it was required to refund the excessive contributions.

0850-904-10-22

V. The Respondents accepted excessive contributions in the amount of \$43,825 in violation of 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.9(a).

VI. The Respondents will pay a civil penalty to the Federal Election Commission in the amount of \$10,000, pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may initiate a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties thereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

23-04-406-0581

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

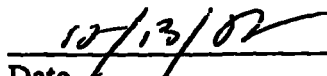
Lawrence H. Norton
General Counsel

BY:



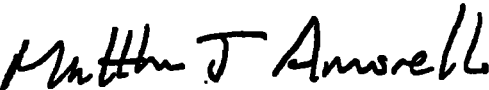
Gregory R. Baker
Acting Associate General Counsel

Date



10/13/02


FOR THE RESPONDENT:



Name Matthew J. Amorelli

Position former candidate
for Congress.

Date



August 29, 2002

23-04-406-0582